the recommendation of the special officer the Arbitration Act of 1899 was repealed and the Indian Arbitration Act now in force was enacted. The present attempt is to amend and consolidate the law relating to arbitration by bringing within its scope and ambit arbitrations either through courts or otherwise. From the order paper Hon'ble Members will find that the original intention of the Government was to move for a suspension of the standing order and move for a consideration of the Bill if leave to do so it is granted. I do not propose to do so as I think that this Bill may be referred to a Select Commiltee. I am placing this information in advance so that the discussions may as far as possible be centred on the essential principles. Therefore I will not be moving for the suspension of the Standing Order and I will be moving that the Bill be referred to a Select Committee. The fundamental provisions in the Bill are very succinctly given in the notes. I do not think I need waste time over it. Hereafter when a matter is referred to arbitration there will be no scope for anybody to play any dodge. The Court has been given certain powers to eradicate latches. In order that the parties may not defeat the purpose of arbitration proceedings by alienating the properties power has been given to the Court to pass such interim orders as are necessary for the purpose of doing justice. In fact the provisions of the Indian Arbitration Act appear to be very wholesome and it is a very well considered piece of legislation and I think it is up to us to follow it as far as possible. Regard being had to local conditions no change in principle is necessary. I request that the House may be pleased to support this motion for the Bill to be read in the Council.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Arbitration Bill."

Mr. M. Sivarama Menon *(Advocate-General)* : I beg to move that the Cochin Arbitration Bill be referred to a Select Committee of this House composed of the mover and Messrs. T. P. Poulose, K. Narayana Menon, V. K. Bhaskara Menon, A. V. Moothedan, K. T. Achuthan and Ephraim Ouseph.

Mr. B. V. K. Menon *(Joint Secretary to Government)* : I second it.

Motion put and carried.

The Cochin Municipal Act (Amendment) Bill

Mr. C. J. Mathew *(Joint Secretary to Government)*: I beg to move that the Cochin Municipal Act (Amendment) Bill be read in Council. As matters now stand there is provision to appoint commissioners only in Municipalities with an income of above Rs. 75,000. But this restriction, is no longer considered necessary by Government in the interest of better and more efficient administration of the Municipalities. Of course, as is known to this House, the Hon'ble Member for Chittur brought a similar Bill in 1118, but it was opposed by the Government at that stage. Now subsequent events in certain Municipalities have however made the Government change their attitude. Therefore it is now sought to be introduced as a Government measure. It is only a permissive Bill enabling the Government whenever found necessary to appoint commissioners even in minor Municipalities irrespective of their income. Being a non-controversial measure I request the House to kindly accept the motion.

Mr. C. V. Iyyu *(Kunnamkulam)*: I second it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Mr. President.—The Cochin Municipal Act is the resultant of the Cochin Municipal Bill that was discussed by the predecessor of this present Council, that is, by the fourth Council during the closing days of its life. A special session, not exactly a session, but, two special days were allotted, during the Budget Session, I believe, in Karkadagam 1111 for the consideration of the Bill modelled on the lines of the Madras Act. That was in 1937 August. The present amendment that is sought in effect though not word for word, was there as section 13. A debate upon that section conducted by the Hon'ble Members who had studied the implications of that section in their thoroughness made out a case to establish the undesireability of having commissioners for any Municipality, whatever its income. That was the case established by the progressive section of the Council. This statement of mine will be borne out from a perusal of the discussion in August 1937. The existing Act which resulted from that Bill contains section 13 in a form modified from section 13 that was in the Bill originally sponsored. The modification, Sir, is that only Municipalities having an income of Rs. 75,000 a year need have a Commissioner. Years rolled on. An Hon'ble Member with long, long experience of Municipal Council life, not only as a member of the Council but as Chairman thereof by the time he reached the year 1118, came forward in this very house with the proposition as stated by the Hon'ble Mover of the Amendment Bill, similar to the amending Bill that is moved by the Government. That move, on the part of the said veteran member he

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happens to be, Sir, an Hon'ble Member of this Hon'ble House from its inception—with a long period of experience of Municipal Administration to his credit, both as member and as Chairman, met with the fate that it rightly deserved. It, Sir, was at once thrown out. That retrograde attempt on the part of that veteran member was mercilessly criticised by the Treasury Bench through no less a person than my esteemed friend, the eminent Advocate-General—though he draws only a pay of Rs 250—400. I doubt whether the House will put up with me it I read out that speech of the Hon'ble Advocate-General. Even if you will be pleased to do so, I do not wish to take up valuable time by so doing. The fallacy of the position now adopted by the Government is patent—it is written, Sir, in very bold letters in the very face of it. Having taken up that correct attitude in 1118 as regards the Bill brought forward by that veteran Municipal Chairman, I seriously ask the honourable spokesman of the Government, what transpired between Meenam 1118 (March 1942) and to-day, to induce the Government to come before this House with this amendment wich I can characterise only as having the result of painting the face of the progressive Cochin Government with black tar. Ours is a State, Sir, with the distinct honour of having launched upon the path of responsible Government before any other Indian State ventured to do it. I ask with all seriousness whether it is becoming of the Cochin Government, especially as it is now presided over by an experienced veteran administrator who hails from the land of the mother of parliaments. It pains me, Sir, to see the Government of the day at tempting to do something which defames its own fair name. I can well understand the retrograde move taken by the veteran, who spnosored a similar Bill in 1118. He had a grievance against his Municipality at that time. He was trying to cut his own nose to spite the face. That attempt, though foolish to a degree was pardonable. But, Sir, what I ask, is the excuse for the enlightened Government of Cochin to take a leaf from that amendment of the veteran Municipal Councillor—now Chairman for he has by now become Chairman again? What is the justification? Absolutely none Mr. President. I am sure that the intelligent Government of Cochin cannot refute nor admit what is now said by me and that will be made on the floor of the House by Honourable Members who know Municipal Administration, who have been successful Municipal Administrators, who were carrying on the administration of the Municipalities in Cochin without the help of any Commissioner—an officer of the Government foisted on them to nullify the resolutions passed by them. I am sure, Sir, that such Hon'ble Members in more strenuous terms and with greater ire will criticise the Government and condemn them. I shall, therefore, not trespass, into their realism. I leave it to them to discuss the matter in all its proper aspects. Therefore, Sir, if the Government of Cochin do not want to defame themselves by their own action I suggest they have to withdraw the Bill, and not press it further. If the Government of Cochin do not want that the fair name, that they have already obtained, by being the very first except a small State in the north, to take the first step on the road of constitutional reforms to be defamed by bringing this piece of amending legislation before this House that has been asking, times out of number, for further advance on constitutional reforms and go forward on the road of constitutional reforms, by having more departments transferred one after another, if necessary by creating more Ministers than one or by entrusting a few more departments for the present, to the solitary minister they have to withdraw and not go forward with this Bill. This proposition is brought before this House in the seventh year of its life when it is going to end its extended term. I have a feeling, Sir, that the Hon'ble Mover of the Bill was taking up this attitude because of the helpless fall of the House from its former height. If so I inform him in time that we have not fallen so low as to willingly swallow any Bill that is put down our throats. Our degeneration we admit, but I seriously question whether we have gone to such an abysmal depth. Though there is much going down on our part we are sufficiently alive to stand against this ignominy that is thrown on our face by the Reserved half of the Government. For fear of time and for fear of my trespassing into the fields of others not exactly trespassings but rather, standing in the way of better, more vehement, more coherent opposition from Honourable Members who know better, I conclude. And in doing so I earnestly pray that the Government may be pleased to show their wisdom by not proceeding further with this retrograde Bill. With all the vehemence and earnestness I can command, I oppose the Bill.

* മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മിസ്റ്റർ പ്രസിഡണ്ട്, സർ, നാലാമത്തെ നിയമ സഭയിൽ മനസിപ്പാൽ ആക്ട് ആലോചനക്ക വന്നപ്പോൾ കമ്മീഷണർമാരെ വെക്കുന

* Speech not corrected by the Hon'ble Member

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സംഗതിയിൽ വളരെ ശക്തിയായി വാദിച്ചിട്ടുള്ള ഒരാളാണ് ഞാൻ. എന്നാൽ ഗവൺമെണ്ടു് പ്രവൃത്തിക്കുന്ന പ്രവൃത്തിയിൽ വല്ലതും വല്ലപ്പോഴും നന്നായി വരാവണ്ടെങ്കിൽ, നന്നായി വന്നിട്ടുണ്ടെന്നു എനിക്കു ബോദ്ധ്യപ്പെട്ട സംഗതി ഇതാണു്. മുനിസിപ്പാൽ കമ്മീഷണർമാരെ നിയമിക്കുന്ന കാര്യത്തിൽ അന്നു വിരോധം പറഞ്ഞ എനിക്കു് പിന്നിട്ടുള്ള അനുഭവംകൊണ്ടു് എല്ലാ മൈനർ മുനിസിപ്പാലിറ്റികളിൽപോലും കമ്മീഷണർമാരെ നിയമിക്കേണ്ടതു് ആവശ്യമാണെന്നു മനസ്സിലാക്കുവാൻ സാധിച്ചു. ചില മൈനർ മുനിസിപ്പാലിറ്റികളിൽ അടുത്തകാലത്തുണ്ടായ അനുഭവം ഞാൻ പറയാം. ചിറയൂർ മുനിസിപ്പാലിറ്റിയിൽ ഭൂർഭരണം മുഖ്യമായി ഏർപ്പെടുത്തിയിരുന്നതുകൊണ്ടു് ഗവർമ്മെണ്ടിൽനിന്നും ഒരു സ്പെഷ്യൽ ആഫീസറെ അവിടെ നിയമിക്കേണ്ടതായി വന്നു. ഈ ബിൽ അന്നു ഉണ്ടായിരുന്നുവെങ്കിൽ ഒരു സ്പെഷ്യൽ ആഫീസറെ വെക്കാതെ ഒരു മുനിസിപ്പാൽ കമ്മീഷണറെതന്നെ വെക്കാമായിരുന്നു. ചില മുനിസിപ്പാലിറ്റികളിൽ ഭൂർഭരണം നടക്കുന്നുണ്ടെന്നു കണ്ടിട്ടു് അതിന്റെ പ്രതിവിധിക്കുവേണ്ടിയാണു് ഈ ഭേദഗതിബിൽ കൊണ്ടുവന്നിട്ടുള്ളതു്. ഈ ഭേദഗതിബിൽ പാസായാൽ എല്ലാ മൈനർ മുനിസിപ്പാലിറ്റികളിലും കമ്മീഷണർമാരെ വെക്കണമെന്നു നിർബ്ബന്ധമില്ല. ആവശ്യമാണെന്നു തോന്നുമ്പോൾ ഗവർമ്മെണ്ടിനു അതിനെ നിയന്ത്രിക്കുവാനുള്ള ശക്തിയുണ്ടായിരിക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണു് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതു്. ഇങ്ങിനെയുള്ള ഒരു സംരംഭത്തെ പൊതുജനപ്രതിനിധികൾ എതിർക്കുന്നതു ഒരിക്കലും ആശാസ്യകരമാണെന്നു എനിക്കു തോന്നുന്നില്ല. മുനിസിപ്പാലിറ്റികളുടെ ഭരണം അതായതു മുനിസിപ്പാലിറ്റികളിലുള്ള ജനങ്ങളുടെ പണംകൊണ്ടു നടത്തിവരുന്നതാണെന്ന സംഗതി ഞാൻ ഒരിക്കലും വിസ്മരിച്ചുകൊണ്ടല്ല ഞാനിതു പറയുന്നതു്. അങ്ങിനെ ജനങ്ങളിൽനിന്നു പിരിച്ചെടുക്കുന്നതായ പണം ന്യായമായ വിധത്തിൽ ചിലവഴിക്കാതെ ഭൂർഭരണത്തിനു ചില മുനിസിപ്പാൽ ചെയർമാൻമാർ മുതിരുകയാണെങ്കിൽ ഗവർമ്മെണ്ടു് ഇത്തരത്തിലുള്ള നിയമംകൊണ്ടു അതിനെ തടയേണ്ടതു അവശ്യം ആവശ്യമായിട്ടുള്ളതാണു്. അതിനുവേണ്ടിയാണു് ഈ ഭേദഗതിബിൽ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. അതുകൊണ്ടു ഈ ഭേദഗതിബിൽ ഏറ്റവും ആവശ്യമാണെന്നുള്ള എന്റെ പരിപൂർണ്ണമായ അഭിപ്രായത്തോടുകൂടി ഞാൻ എന്റെ സകല ശക്തികളും പ്രയോഗിച്ചു് ഈ ബില്ലിനെ അനുകൂലിച്ചുകൊള്ളുന്നു.

*Mr. A. B. Salem *(Mattancheri)* : Sir, I also rise to oppose the bill. The association of the people more and more with the Government of the land and the progressive realisation of self-Government has been admitted on all hands to be our goal. In such a period of transition it is possible what mistakes will be made, faults will be found, mal-administration will take place in any Municipality and so on. For all that there is adequate remedy. The remedy is to supercede a Municipality which goes wrong, to appoint a special officer. Government has already got powers to remedy any defect that may glaringly come to their notice. In these circumstances to arm the Government again with power by legislation to take away rights already possessed in the people will not agree with the policy for which we stand, namely, the progressive realisation of self-Government. I oppose the bill from that angle. You will readily see that a Chairman generally in the olden days since 1085 when Municipalities began to grow in this land have been non-official Chairmen. From 1085 to 1120, 35 years have rolled by and within these 35 years of Municipal Administration and expansion in the land we have had only a very few instances here and there. For that that Municipality, has to thank itself. There is control by the Councillors. If all the councillors join together they can always remove a mal-administering Chairman from office. They can fully control his action. They can remove their support from him and pass a resoultion that they have no confidence in him. Out he will go. And therefore it is not good policy on the part of the Government that has accepted the progressive realisation of self-Government and responsible Government and the expansion of it in the land to take a retrograde step by passing a piece of legislation which seeks to take more power to themselves to control the affirs. If the policy is to relax bureaucratic control over the administration of human affairs inside the State then that policy and the present pieces of legislation conflit. Therefore it is not our policy. We cannot blow hot and cold. As part of the ministerial party I cannot support a piece of legislation which cuts down the popular control over the administration of municipalities. I could very well understand the confusion that has taken place in Chittur. It will take place and the Government came down with a sledge hammer and put in an officer there to carry on the affairs. More shame upon the Municipality. That is a

*Speech not corrected by the Hon'ble Member.

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different matter. We are here legislating according to the policies that we adopt. I can very well understand the Hon'ble Member showing the necessity of this piece of legislation by citing instances. But he was not able to specify where mal-administration has been taking place. In 35 years you have got one instance in Chittur. It is like saying that you are not fit for self-Government. We will always have power so that you will have a sword of democles hanging over your head at all times. To give such powers to the Government at such a period I say is inconsistent with the accepted policy of the Government as well as of this Hon'ble House. I therefore cannot but oppose this piece of legislation. I would have gone further to say that the amendment must be to remove the Commissioners even from the major Municipalities. Why should you not give powers to experienced non-official members who come forward to do their best in the administration of their own locality. If you think that a Chairman can do it and we have always have elected Chairmen, men of affairs, experience and guidence, then it is surely up to us to ask the Government "Don't come and interfere in local affairs. Leave it to the Chairmen to manage". He may not be bound by the orders of the Commissioner. The Commissioner has no freedom and there is no human touch in the administration of the Commissioner. He cannot do anything. The Municipal Chairmen will bring to the administration a human touch which we want in this land very much. This land has been Government simply by rules and regulations in papers. The human touch has been lost to such an extent that we do not think that there should be any human touch in the administration of the affairs of the people. Has the Municipal Commissioner got any discretion?

Mr. Ephraim Ouseph *(Narakkal)*: Is that the policy in the Panchayat Bill ?

Mr. A. B. Salem *(Mattancheri)*: The Panchayat Bill is administered by the Minister. There is popular control there. You do not understand that. The Panchayat Bill does not give any power to the bureaucracy. It gives the power to the Minister to interefere.

The point is that more and more encouragement must be given for local talents to administer local affairs with a human touch in it whereas the Commissioner is bound by the Government orders, Standing Orders and so on and also having a fear that any time the Municipal Council may go against him and pass a resolution to send him away. Therefore he is in between two opposing forces as it were and it cannot therefore be a person who can administer self-Governing and self-controlling institutions like Municipalities. (A voice: What about British India?). It is a mistake in British India and it is a mistake here. There is no doubt for that. But of course we cannot help things. Things will shape themselves. Therefore, my submission to this House and to the Government is "don't allow the bureaucracy to take away powers that we have. Try always to expand our own powers, let us benefit by our mistakes and let us benefit by the powers we have. Let us grow by ourselves". Therefore, it will be a terrible mistake on the part of the Government which has accepted the theory of progressive realisation of self-Government and responsible Government by the people of the land to support such a legislation and therefore I am constrained to oppose this motion in the interests of the progressive realisation of responsible government and self-Government.

Mr. C. V. Iyyu *(Kunnamkulam)*: Sir, I support this bill and I congratulate the government for having brought a mere conprehensive and more useful bill than the bill which I had tabled before this House to be introduced during this session. The Hon'ble Member for Vadakkancheri has been using the high sounding words of the Diwan President who has come from the land of the Mother of Parliaments. The Hon'ble Member for Wadakkancheri and the Hon'ble Member for Mattancheri are not aware of the fact probably that there is an officer called clerk in every Country Council in England. (A voice: No. No.). There is an officer there. He does not seem to be the sort of clerk appointed by the Staff Selection Board. He is a more powerful officer than the Municipal Commissioner of Cochin or any Municipal Executive Officer in British India.

Mr. A. B. Salem *(Mattancheri)*: He is appointed by whom ?

Mr. C. V. Iyyu *(Kunnamkulam)*: By the Government. In all democratic countries in the west this system is being followed. In British India when the Congress Government was functioning the Congress Government was keeping on the policy of the previous bureaucratic Government which brought about the appointment of Municipal Executive Officers. The Congress Government did not think it so undemocratic or undesirable to make the Municipal Commissioner's go.

Mr. A. B. Salem *(Mattancheri)*: The Government itself is self-Government there.

Mr. C. V. Iyyu *(Kunnamkulam)*: Before that when the bureaucratic Government was functioning there that Government brought this. The Hon'ble Member for Mattancheri himself last time when supporting a resolution brought in by the Hon'ble Member for Irinjalakkuda

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for prohibiting Municipal Chairman from standing for election in the constituency where they are Municipal Chairman expressed the great trouble he had to undergo because he had to oppose a Municipal Chairman with limited powers and with no power practically, according to him, because a Municipal Commissioner was working. Probably because of his old age he forgets that. After all this is only a via media. Even if the Municipal Chairmen are allowed to stand in the same constituency it will not be as dangerous as he thought it to be if there is a Municipal Commissioner. Our Member for Irinjalakkuda who is rather the most unfortunate member in this House, in all his sincerety expressed this view, and in all the sincerety of the Hon'ble Member for Mattancheri who follows sincerely the principles of the Mosaic law supported him whole heartedly. After all this is only a proce s to check the vagaries of those who are in authority over the Municipalities. No Municipality should tyrranise the minority.

Now of course there is a point raised that there are responsible Ministers in England and in British India. The point might be raised in respect of persons who govern the Municipalities also. Here of course our quasi-responsible Minister or our responsible Minister or our popular Minister did not find it difficult to order withdrawal of prosecutions under the Food Adulteration Act and the Municipal Commissioner of Trichur obeyed it in spite of the popular wishes of the representatives of the citizens of the Municipality. In spite of the protest of the Municipality all that has happend. Even if a Municipal Commissioner comes in, that Commissioner obeys the orders of the responsible Minister who is responsible to this House also in matters which some of us do not think is reasonable or in the best interests of the State. Why should the leaders of the Ministerial party, the pillars of the Ministerial party, be afraid of having Municipal Commissioners in minor Municipalities. They will be still minor officers than the Commissioners of major Municipalities like Trichur. So I do not find any reason for opposing such a very good measure as this. I would like to point out that in the administration of Co-operative Societies the present Hon'ble Minister or perhaps the previous Hon'ble Minister started the salutary idea of appointing paid secretaries. That policy has been followed by the present Minister also and if what I heard is true still more-paid Co-operative Society Secretaries are going to be appointed. That is also stifling self-Government. In the matter of administration of revenue and finance it is always better and it has always been found to the best interests of the tax payer to entrust the work with paid executive officers responsible to a central authority, Self-Government is not Mis-Government. Self-Government ought also to be efficient government Democracy is not mobocracy. Democracy is not only a Government by majority, it is also a Government by discussion. That theory has many a time been accepted in this House by the leaders of the party who support the Minister. But still I am surprised to find that such a measure which requires no thought, even such a very useful and harmless Bill has been opposed by certain leading Members of the Ministerial party. I therefore with all the vechemence that I have, support this Bill.

* **Mr. A. V. Moothedan** *(Chalakkudi):* Sir, I support this motion for some other reason. The Hon'ble Member for Mattancheri is not here. He opposed the motion in the name of progressive realisation of responsible Self-Government in Cochin. I do not know how this affect that realisation which everybody in this House wishes. In fact it helps that realisation. It is the wish of everybody here that we must have full responsible Government after the war. For that purpose further reforms are necessary and this is another reform. If the Commissioners are responsible to the Minister, he has no objection. You will get that it in course of time. We will have a Council of Ministers and the Commissioners will be responsible to that Council of Ministers and therefore when that time comes these amendments will be alright. As soon as the Council of Ministers is appointed, they cannot make all these amendments. These are preliminary to that. Therefore my submission to the House is that this is derogatory to the principle which we cherish so much, that is to say the progressive realisation of responsible Government.

Another point is this and that is a strong principle with me. I do not appreciate what is called honorary system of service. I always advocate that there should be payment. I moved a Bill in this House that the Members of this House should be paid. Honorary system does not succeed and that is a fundamental principle which I believe very much. The Chairmen will be big people of the localities. They will have ever so many other things to do. They won't be able to attend to the executive work. Unless there is a full time officer to execute the orders of the Council and to look into the complaints of the people the administration will not be efficient.

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* Speech not corrected by the Hon'ble Member.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Why should he be appointed by the Government?

Mr. A. V. Moothedan *(Chalakkudi)*: Therefore my submission is that where there is only this Chairman, the administration will not be efficient. The Hon'ble Member for Vadakkancheri quoted the instance of the Ernakulam Municipality where Mr. M. Sivarama Menon was the Chairman for 11 years. He may be a supremely clever man and he was able to administer so well. But every Chairman need not be half so clever, or one-fourth so so clever as Mr. Sivarama Menon. Therefore, Sir, it is only necessary that in the interests of the efficient administration of the Municipalities that there should be executive officers. The principle has been accepted by this House long ago.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: When please.

Mr. A. V. Moothedan *(Chalakkudi)*: At the end of the 3rd or 4th Council.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Certainly not.

Mr. A. V. Moothedan *(Chalakkudi)*: The principle has been accepted in the latest Municipal Act where there is provision for the appointment of Commissioners. That was passed by this House. It was on the recommendation of the Municipal Conference that the Bill was drafted.

Now the further question is whether these small Municipalities whose income is below Rs. 75,000 should be allowed to have a Commissioner. Now as soon as this Bill is passed Government is not going to appoint for every minor Municipality a Commissioner. Where there is inefficiency, Government may appoint an executive officer. Only in fit cases. Why should the Government impose or inflict a Commissioner on a small Municipality especially when it is unable to meet the expenses. Therefore we have no ground to think that the Government will abuse their powers. If it is abused the House is here and we can criticise. For these reasons I support the motion.

Mr. P. J. George *(Irinjalakkuda)*: Sir, I rise to support this Bill. At present all the major Municipalities in the State have already got commissioners for executive duties. This amendment only enables the Government to appoint a Commissioner in any other Municipality in which the Government may find it necessary on account of gross mismanagement or other reason. As the Hon'ble Members know, our Municipal Chairmen are persons with plenty of work of their own and they will find it difficult to give satisfactory personal attention in the execution of the various Municipal works. So there will be no wonder if Municipal works are carried on according to the will and pleasure of some clerk or other low paid subordinate, since the Chairmen may not find time to devote personal attention to the Municipal works. It is only just and fair to give such a full time executive officer to every Municipality to help the Chairman in this matter. I understand that in British India Commissioner is appointed in every Municipality. The present Bill does not go to such an extent. It only empowers the Government to appoint a Commissioner, when they find it absolutely necessary to do so in the case of any Municipality on account of gross mismanagement or other reasons. It is the duty also of the Government to safeguard public interests when they find that the public suffer and that public money is wasted or misappropriated.

Of course there was a suggestion now from some Honourable Members that the Commissioner is to boss over the Chairman and Members. There is no such thing. That is not the purpose for which the Commissioners are appointed. They are to work under the Municipality. That is all. They are to carry out the works accordings to the directions of the Council.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Not always.

Mr. P. J. George *(Irinjalakkuda)*: Always it is so. He is only an executive officer to carry out the works more satisfactorily and not to boss over the Municipality. From my personal experience also I can say that it is an absolutely necessary provision so that the Government may come to the rescue of the public when there is absolute necessity for such interference. With these remarks I support the Bill.

Rao Sahib M. Nanu Menon *(Ernakulam)*: Sir, I propose an amendment to this amendment, to the effect that where there is a Municipal Commissioner there is no necessity for a Chairman.

Mr. President: This is not the time to move an amendment. The House is now discussing the motion that the Bill be read in Council.

Rao Sahib M. Nanu Menon *(Ernakulam)*: My point is where there is a Commissioner there is no necessity for a third man. Only Members and Commissioner will do.

***Mr. P. P. Devassy** *(Trichur-South)*: Sir, I rise to oppose this Bill. On the last occasion when a similar amendment was moved by the Hon'ble Member Mr. Eachara Menon, I had occasion

*Speech not corrected by the Hon'ble Member.

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to oppose the amendment then tabled and the Advocate-General on behalf of the Government was pleased to oppose the amendment then moved. He put a very pertinent question then to the House after the hot discussion on section 13 of the original Act "what has transpired to entitle this House to accept the amendment moved by Mr. Eachara Menon then and now moved from the side of the Government. I am now asking the same question to the mover of this amendment Bill what has transpired between the hot discussion on section of the original Act and this date to justify this retrograde move on the part of the Government of Cochin. I will read one sentence from that. Referring to the discussion on section 13, the Advocate-General then said "that there must be a finding to the effect that self-governing Municipalities whose income is below 75,000 Rs. are in general or at least in a majority of cases not discharging their functions properly for the Government to agree upon the acceptance of the amendment." Has a case been made out before the Government that in general or at least in a majority of cases the Municipalities of this State are not discharging their duties under the Statute. The mover of the amendment has not made out a case that any Municipality in the State has faild to discharge its duties under the statute. A case may be pointed out where the Municipality has failed to discharge its duties. The case of Chittur Municipality and its supercession and the election of a new Chairman may be pointed out from the other side of the House. It was in connection with that that the Hon'ble Member Mr. Eachara Menon moved that amendment itself and the facts of that case were before the Government and action was taken against the Municipality by the Government immediately after their opposing the amendment moved by Mr. Eachara Menon. That case therefore cannot now be pleaded as one supporting this bill at this stage. I ask are there not sections 38 (1), 41 and 44 of the Municipal Act which were strongly and vehemently relied on by the Advocate-General in opposing the motion now existing in the Statute Book. Are they not operative now. Is there any cause to make the operation of these sections in the Municipal Act the less strict, the less enforceable. Is there not a provision to remove a Chairman if he is guilty of grave vagaries. Is there not a provision in the Muncipal Act to supersede the Council, to appoint an officer to discharge the duties which the Government thinks the Council is failing to discharge. In the presence of these powers in the hands of the Government why this amendment is sought to be moved at this stage, one fails to understand. Should it not be considered by the Government that this is a retrograde step against the participation of the people in the administration of the Country. How can it be argued that the appointment of the Commissioner and leaving the Municipal administration into his hands is not a step against the policy of drawing more and more power for the people in the administration of the Municipal affairs. When the accredited policy of the Government, when the principle for which this House exists today is one of more and more participation of the people in the administration of the affairs of this country, how can this House lend any support to the position taken up by the Government that the administration of the Municpal affairs should be taken away from the hands of the popular elected Chairman and the Council and put it in the hands of the Commissioner? One cannot say for a moment that this is not a step against that principle. Are there not several ways in which the Commissioner can put up obstructions in the smooth working of the Council in the best interests of the country? Cannot the Commissioner indefinitely postpone things without being executed and even till a time when the life of the Council ends?

Mr. A. V. Moothedan *(Chalakkudi):* Is there not power to remove a Commissioner?

Mr. P. P. Devassy *(Trichur-South):* Do you want to place the Council in such a position as to compel the Council to resort to such measures or are we to see that the Government should not place the Council in such a position? Is it not more reasonable, that more powers exist in the Council? What is the harm? Are the majority of the Councils failing to discharge their duties? We have heard of nothing in the opening argument of the mover or for that matter in the argument of the other Hon'ble Members who supported the amendment. Sections 38(1), 41, 44 and 356, all these sections have been so vehemently relied upon by the Advocate-General in opposing the bill then. Do they not exist with all their force and with all their strictness even now. They have not been relaxed, and when these powers are open to the Government to take to task any Council or Chairman who fails to discharge their or his duties, it is unnecessary and against all the principles of Self-Government to think of an amendment like this in the Municipal Act. It is no consolation for us to say that the Government may notall on a sudden appoint Commissioners. Why do you give the power and be at the mercy of the Government? Is it not open to them if they want, to appoint Commissioners? Why give this power and take the poor consolation that after all the Government may not exercise this power? I ask the Government therefore not to reduce themselves into a position where they have to eat their own words to their

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own disgrace and press this amendment. After all only one year has elapsed since the Government has opposed an amendment I tabled by a non-official Member, It is too early for the Government to say that things have changed, a situation has arisen, and facts are different today from what they were one year back and therefore we move this amendment. We heard nothing about it and I hope nothing will be heard about it.

The House rose for lunch at 1-35 p.m. and re-assembled at 2-30 p.m. with Mr. A. V. Moothedan, Panel-Chairman in the Chair.

*Mr. **Joseph Pettah** *(Adur)*: Mr. President, Sir, there has been a very lively discussion on the amendment moved by the Government to the Cochin Municipal Act. Perhaps there was also much heat generated. I admit that many of the arguments advanced against the amendment may not be very convincing. For instance it was an attack on the Government that they have changed their opinion. After all it is open to the Government to change and if there is a necessity, they must change. Any progressive Government would be changing opinion from time to time without laying themselves to the accusation of being inconsistent. But when all is said in favour of the amendment much still remains against it and therefore I am constrained to oppose it.

It is very plain, Sir, that the House will not be justified in accepting this amendment at this stage. Let us dispassionately consider the arguments brought forward one by one. The first argument is that Government have not made out any case, any strong case, for the introduction of this amendment at this stage. It may be that in one or two cases there might have been some mismanagement of municipal affairs.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: None.

Mr. Joseph Pettah *(Adur)*: May be, but even if it is granted they would be more exceptions rather than the rule and in every case it is a healthy principle of law that legislation should be made for general cases and not for one or two exceptions. It is one of the principles of jurisprudence that on account of one or two exceptions, you should not impose unnecessary restrictions on the generality. So briefly no case has been made out. On the contrary there are very many arguments against the amendment, arguments which are very telling.

The first thing is that the amendment is fundamentally against the principles of progressive Government. Whatever may be said on the other side, I am convinced that this amendment is against the principle of progressive Government. I should say that even in the major Municipalities the system of Commmissioners now in vogue should be abolished. I have been all along thinking that this appointment of the Commissioners over the head of the Chairman was a retrograde step so far as responsible Government is concerned, especially so when it is the case of a local Self-Government. A particular locality is finding funds for it special amenities and managing those funds in the best light they have. Why should the Central Government interfere unnecessarily with the system of that Municipality, I ask. Remember it is not a question of general taxation. The funds utilised by the Municipality are the funds contributed by the people within the Municipality. They elect their members and those members elect the Chairman. Well, I understand that in the administration of this Municipality, Government must safeguard certain general interests, no doubt, for instance the case of health, sanitation, general trade and commerce, etc. For such purposes Government must have some power to regulate and control and such powers are already with the Government but when it comes to the day to day routine administration and looking after the welfare of the Municipality concerned, freedom must be given to the Municipal Council and the Chairman. Therefore I say especially in regard to local Self-Government this is an unwarranted inroad into the democratic freedom of the people.

Now coming to the case of British India, an argument was advanced in this House that even in the days of the Congress Ministry, they did not think worth while or find it necessary to abolish the system of Commissioners there. And that for a very right reason because if they were in power for a long time they might have thought it necessary to abolish this system of Commissioners. Even granting that they did not find any justification to continue the system there is the fundamental fact that the Commissioners appointed in such a case would be by a responsible Central Government, a responsible and responsive Central Government. Can we think of any responsible Government here ? I refer to the word responsible in the constitutional sense. There is no responsible Government here and the officer appointed therefore cannot have the sanction of a responsible authority, I mean responsible to public opinion. This officer has necessarily to be a creature of the Central Government owing more allegience to that autocratic authority than to the Municipal Council and the Chairman. Examples can very easily be found

*Speech not corrected by the Hon'ble Member.

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of Commissioners standing in the way of the Council and the Chairman. Perhaps the Advocate-General might say that it is none of their duty. The law is so worded that they get a certain amount of freedom, at least very many loopholes for standing against the Chairman and the Council and as a matter of fact after the appointment of the Commissioner the Chairman have become mere figure heads. Perhaps on public occasions they might get precedence and they may be called the city fathers. But what about the real power in their hands. Only very little.

Again, somebody sitting here, I think it is the Hon'ble Member for Kunnamkulam, referred to the clerks of the County Councils. But I ask him two points. To my knowledge it is not the Central Government who would be appointing the clerks but it would be an appointment within the powers of the Council. Even supposing that it is an appointment by the Central Government the fact remains that the Central Government is a responsible Government. So the analogy of the County Council would not hold good here. Of course there is one argument and that is the Chairman remains in office only for three years. By the time he gets accustomed to the administrative side he goes out and another Chairman comes. That is granted. And therefore some permanent officer is necessary in the best interests of the Municipal sdministration. But the crux of the problem is not that I am not objecting to any permanent officer in a Municipality. But the problem is that that officer must be appointed by the Chairman or the Chairman-in-Council and must owe allegiance first to the municipality and second to the Government. If that is the thing it is completely justifiable that we must have a permanent officer. That is good. But the whole question turns upon this fact. Who should appoint this executive officer and who should have control over him, Who should suspend him, who should dismiss him, I would say that if you grant that the Commissioners of the Municipalities should be appointed by the Chairman-in-Council you may even add "with the approval of the Central Government". If this power is given to the Chairman-in-Council, then I have no objection to have Municipal Commissioners because a permanent officer is very necessary to carry on the day to day administration and also to give stability and permanency. But if these officers are to be appointed by the Government then I would say that it is a great inroad that the Central Government is making on the Municipalities and as such it would be against all principles of democracy and against all principles and privileges of local self-Government. Therefore, I am constrained to oppose this Bill.

Mr. K. T. Achyutan *(Ezhuvas-Talappalli):* Sir, I support the amendment. Once the principle has been conceded that Commissioners must be appointed in Municipalities whose income is above Rs. 75,000. If such conditions exist in minor Municipalities whose income is below Rs. 75,000, then what is the objection. If you object to this you should see that no Commissioners are appointed in any Municipality. Then I can understand it. To say that Commissioners must be appointed in major Municipalities and that no Commissioner should be appointed in minor Municipalities is inconsistent. The money value of the tax-payer is the same whether the income of the Municipality is large or small. The interests of the tax-payer must be protected. Unless the Government is convinced that a Commissioner is necessary in the ordinary state of affairs I do not think the Government will appoint a Commissioner. Last time the Hon'ble Member Mr. Eachara Menon, the veteran Member of this House, has stated his experience of the Chittur Municipality. Unless the Government has such power mismanagement will be going on in the Municipalities. Therefore I think it is a very important measure. If you say that Commissioners cannot be appointed in any Municipality I agree. Therefore I support the motion.

Mr. Joseph Pettah *(Adur):* One mistake does not justify another.

Mr. M. Krishna Menon *(Trichur-North):* Sir, we are all or at least we are presumed to be believers in democracy. But we have our own misgivings about Cochin democracy, because from the performances we are having here day to day we are convinced that we are not getting ideal democracy but it is only adulterated democracy. When anybody stands up here to make a serious protest against the introduction of this Bill my friends on the other side might pooh-pooh the idea and say it is only a device for cementing the pillars of the ministerialist party. Far from it. When we analyse the working of all democratic institutions in this State we fin d that there is the de jure father and that there is a de facto father. That is, every power vests in the latter though the presumption is that it is only the executive capacity that is vested in him. The Chairman will be helpless in very many things.

Another argument advanced in support of the Bill is that it is only in strict cases of necessity that the Commissioners will be appointed. Necessities of appointments, we know very well. Questions will come up, "is there a Christian Commissioner, is there an Ezhuva Commissioner,

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is there a Nayar Commissioner" and so on. So if there is room for a Commissioner to be appointed the necessity will come up for itself. So that is no argument. Even if there is no necessity to appoint a Commissioner it will be accomplished. Necessity there will be. Now we are all opposed to this kind of stifling of "democracy" for which we are all labouring here. At the right time I have got a copy of the magazine "Forum", from which I shall read out a passage —"Time has come", said Anandilal Poddar, Mayor of Calcutta, addressing the 4th session of the All India and Ceylon Mayors' Conference, "when the Mayors in India and Ceylon should feel they are no more decorated dignitaries, and in so far as they happen to hold the reigns of the policy and administration of the major civic units of the country"..... "It has been one of the anomalies of British rule that what is considered to be an operative rule in Britain is totally disregarded on Indian soil. The Lord Mayor of London is vested with adequate powers to control the civic life in London. His position is unique, his powers supreme and statutory. Is it not a primary duty to vest our Mayors with that measure of power and responsibility which will raise them to the status enjoyed by the Lord Mayor of London? Hon'ble Members, before I resume my seat I would say that God laughs only on two occasions, when the Doctor treats a patient, saying that he will not die, and also when the father fondles his child believing that it is his child. The Civic Father thinks that the Municipality is his. On the other hand whose is the Municipality? The de facto father's. Hon'ble Members, I resume my seat.

Mr. K. Narayana Menon *(Mulakkunnathukavu):* Sir, I rise to oppose this bill and I have got very little to add to the points raised. The amended bill seeks to impose as and when desired by the Government an executive officer irrespective of the income of the Municipality. An executive officer in a Municipality having an income of Rs. 75,000 and above may probably be paid a decent salary from out the funds of the Municipality. It is unthinkable that a salary of that dimension or any proportionate approach to that dimension can ever be available from a Municipality into lesser income. A low paid executive officer within the bounds of a Municipatity with powers vested in him as was narrated here by the Hon'ble Members who proceeded me is I submit a very real danger, not only to the civic population of the country but to the Municipal Council as well as to the Government. To entrust the whole executive power of such a self-governing institution with an officer of that rank will approximate itself in no time to something which we may not desire to happen in any institution The various arguments about the drawbacks that may be present in the execution of works in the Municipalities, the principle of continuity of policy, the principle of continuity of operational works are very very fine and certainly appealing. But I respectfully ask has not the Municipality succession. Cannot the succeeding Municipal Chairman continue the work of his predecessor? Why should there be an executive officer who alone is thought to be competent to do it? In the crisp language of the Hon'ble Member for Ernakulam Municipality "either dispense with the Chairman or dispense with the executive officer". That two things cannot occupy the same place at the same time is a scientific proposition. With all the force that I command I oppose the bill and hope that the Government will not press it.

Mr. C. J. Mathew *(Joint Secretary to Governmet):* Sir, the main argument advanced by those who opposed the Bill have already been met by those who spoke in favour of this measure. Still one point requires some explanation. It has been asked why this change of attitude on the part of the Government, a Government that opposed a similar Bill in 1118, when it was moved by Mr. Eachara Menon. The explanation is this. Though I am not at liberty to give you full details, I may however inform the House that very serious complaints have been received regarding the administration of certain minor Municipalities in the State, and Government feel that it may become necessary to appoint Commissioners under certain circumstances.

Mr. A. Eachara Menon *(Chittur-Rural)* Which are those?

Mr. C. J. Mathew *(Joint Secretary to Government):* It is not desirable or necessary to mention names. As already stated, having received serious complaints, Government thought that they ought to change their previous attitude and agree to make necessary amendments to the Act, enabling them to appoint Commissioners in minor Municipalities whent there is real necessity for it. This change of attitude, I beg to submit is perfectly justified from events which have transpired since Government opposed the Bill in 1118. It may not be proper to give further details regarding the nature of the complaints received. I do assure the House that Government are perfectly justified in the change in their attitude. I wish also to point out another thing, namely, that the Goverment have no intention whatever to appoint straightaway a Commissioner in any particular

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Municipality unless there are grave reasons which will be published in the form of a notification before a Commissioner is appointed.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is not in the Bill.

Mr. C. J. Mathew *(Joint Secretary to Government):* There is provision for it in the Bill. Unless there is justification and without satisfactory reasons being given to the public, no Municipality is going to have a Commissioner thrust upon it.

With regard to the allegation that the Commissioners are interfering with the Chairmen's powers, I wish to point out to the House that there has never been a single instance so far brought to the notice of the Government where any of the Commissioners has unnecessarily interfered with either the Chairman's powers or with the decision of the Municipal Councils.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* He has got the power.

Mr. C. J. Mathew *(Joint Secretary to Government):* He may have got the power; but he will not use it unless there is absolute need for it. The very fact that not a single such instance has come before the Government definitely proves that the Commissioners have been using their powers only to help the Chairmen in the Municipal administration. The responsibilities of the Chairmen are increasing as days go on and as the State is progressing from day to day. Therefore a part-time Chairman shall not certainly be able to attend to all the details of an efficient Municipal administration. He really wants assistance and the Commisssioner will render him the help that is needed to do things properly. I dare say any Chairman would only welcome the assistance from such an executive officer, who will be responsible to him as well as to the Government. I do not therefore see how the appointment of Commissioners see how such an appointment in Municipalities can be considered as interference with the powers and the privileges conferred on the people. I beg to submit that Government have no such intention at all. The Municipalities if they ever happen to come under the Minister, these Commissioners will be responsible to the Minister and in that way it may be a step in aid of advancing democratic Government in the State. I therefore once again request that the Bill may be accepted by the House, without any opposition.

Mr. Joseph Pettah *(Adur):* Why not allow the Chairmen-in-Council to appoint him ?

Mr. C. J. Mathew *(Joint Secretary to Government):* You might as well bring in amendment to that effect.

Motion put and carried.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* A poll, Sir.

AYES

Messrs.	Messrs.
1. B. M. Peter.	12. Rama Varmha Tampuran.
2. K. R. Acyuthan.	13. A. Madhava Prabhu.
3. C. V. Iyyu.	14. M. Sivarama Menon.
4. Ephraim Ouseph.	15. B. V. K. Menon.
5. K. T. Achyuthan.	16. C. J. Mathew.
6. K. S. Panicker.	17. Khan Sahib Y. Mohamed Roshan Sahib Bahadur.
7. P. J. George.	
8. Shabdai S. Koder.	18. S. Venkiteswaran.
9. N. Govinda Pai.	19. Rao Sahib M. M. Paul.
10. N. V. Subbarayan Chettiar.	20. Rao Sahib I. N. Menon.
11. H. J. Walmsley.	21. Rao Sahib Dr. T. Varghese.
	22. P. V. Raphael.

NOES

Messrs.	Messrs.
1. T. A. Ramachandra Ayyar.	10. K. Kunjirama Menon.
2. V. K. Bhaskara Menon.	11. P. Kumaran Ezhuthassan.
3. C. N. Ittiravi Nambudiripad.	12. K. R. Ramakrishnan.
4. C. Kunjan Nambudiripad.	13. C. K. Nayar.
5. K. A. Ashtamurthi Nambudiripad.	14. M. Krishna Menon.
6. Joseph Pettah.	15. K. Narayana Menon.
7. P. Narayana Menon.	16. T. S. Ramachandra Ayyar.
8. P. P. Devassy.	17. A. T. Kunji Palu.
9. Rao Sahib M. Nanu Menon.	18. K. M. Ibrahim.

Mr. Panel Chairman: 22 for and 18 against. The motion is carried.

At this stage the Hon'ble President assumed the Chair.

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Secretary to the Legislative Council: The title of the Bill is the Cochin Municipal Act (Amendment) Bill.

Mr. C. J. Mathew *(Joint Secretary to Government):* I request that the President may be pleased to suspend Standing Order No. 32.

Mr. President: Yes. The Standing Order is suspended.

Mr. C. J. Mathew *(Joint Secretary to Government):* Sir, I move that the Bill be taken into consideration.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Motion put and carried.

Clause 2 put and carried.

Clause 1 and Title and Preamble put and carried.

Mr. C. J. Mathew *(Joint Secretary to Government):* Sir, I move that the Bill be taken up and finally passed tomorrow.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Motion put and carried.

The Food Question in the State

Mr. President. Mr. Ezhuthassan.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* Sir, I raise a point of order. There is no definite issue in this motion. Without a definite issue how can a motion be moved in this House and voted upon ?

Mr. President: The Hon'ble Member wrote to me saying that the food situation in the State presented several aspects which might very well be discussed in this House. I thought I was interpreting the wishes of all members of this House in affording an opportunity for the discussion of this subject which in all its aspects is, I think, of prime and urgent importance to every member of this House, I, therefore, allowed this motion to be placed on the order paper. If I interpreted the wishes of the Hon'ble Members wrongly, I can only appologise to them.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, I feel lucky indeed in getting an opportunity to discuss the all important question of food in this House this afternoon. The House, I am sure, will be thankful to the Hon'ble President for allowing the House an opportunity for discussing such an important question. The motion reads thus.—"This Council moves that the Food Question in the State be taken into consideration". I would respectfully inform my Hon'ble friend, the Member for Nellayi who raised the point of order that an identical motion was moved and discussed on the floor of the Imperial Legislative Council at Delhi on the 2nd and the 8th of November 1944 and the opportunity presented by it was utilised by the real representatives of the people to the benefit of their constituents. I hope such a result will follow from the discussion of the subject here. I am of a sanguine nature and I hope such results will follow here also. Now, Sir, this question as was pointed out by my friend is a most innocuous one, a most non-committal one, one on which a vote cannot be taken, and one on which a defeat to the Government cannot be administered. But then it may be asked, Sir, what is the use of tabling a motion of this kind in this House? My experience has shown that even though this is a resolution on which a vote is not possible, yet such a discussion is capable of producing results—results more favourable than the resolutions which we might pass here.

Mr. President : I am sorry that the Hon'ble Member is taking such a long time to get to the point of the discussion; I must remind him that his time is limited and advise him to get to the point as quickly as possible.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri) :* Thank you, Sir. May I know how much time can I take ?

Mr. President : Twenty minutes, of which 5 minutes have already gone.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri) :* Any inquiry was made as to what is the use of discussing a pointless motion on which no vote can be taken. Let my Hon'ble friend ask himself, Sir, what is the use of registering a favourable vote so long as the Government is not bound under the Constitution to act according to our verdict. What again do we lose I ask by discussing a non-committal resolution ? We do not lose anything is clear, except time. But time also is not lost in so doing because the Chief Executive Head of Cochin today is one who will at once react to any useful suggestion whether a vote is taken or not. I am confident, Sir, that immediate suitable action will follow our debate if we make concrete suggestions beneficial to the public at large. Let us, therefore, approach the question as optimists and not as pesimists.

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THE FOURTH SCHEDULE

[See section 49(2)]

Year 1	*No.* 2	*Short title* 3	*Amendments* 4
1097	IV	The Cochin Specific Relief Act	In section 21— (*i*) For the words and figures "Code of Civil Procedure and the Cochin Arbitration Act V of 1108", the words and figures "the Cochin Arbitration Act, of 112 ", shall be substituted. (*ii*) After the words "but if any person who has made such a contract", the words "other than an arbitration agreement to which the provisions of the said Act apply" shall be inserted.
1112	XII	The Cochin Limitation Act	In the First Schedule— (*i*) For Article 145 the following shall be substituted, namely.— "145. Under the Cochin Arbitration Act of 112 , to set aside an award or to get an award remitted for consideration. — Thirty days — The date of service of the notice of filing of the award" (*ii*) In Article 146, for the words "same Code" in the first column, the words and figure "Code of Civil Procedure, XXIX of 1111" shall be substituted. (*iii*) For Article 162 the following shall be substituted namely.— "162 Under the Cochin Arbitration Act, of 112 , for the filing in Court of an award — Ninty days — The date of service of the notice of the making of the award"

Objects and Reasons

The Cochin Arbitration Act, V of 1108, is based on Act, IX of 1899 of the Indian Legislature. In British India the law relating to Arbitration has been substantially changed on the recommendation of the Civil Justice Committee. It is considered necessary to bring our law relating to Arbitration in line with the Indian Arbitration Act, X of 1940. Hence the Bill.

APPENDIX VI

THE COCHIN MUNICIPAL ACT (AMENDMENT) BILL

Whereas it is necessary further to amend the Cochin Municipal Act, XVIII of 1113; it is hereby enacted as follows.—

1. This Act may be called the Cochin Municipal (Amendment) Act, of 112 and shall come into force at once.

2. For sub-section (1) of section 13 of the Cochin Municipal Act, XVIII of 1113, the following shall be substituted, namely,—

"(1) A Commissioner shall be appointed by Government in the case of each Municipality whose annual income is above seventy-five thousand rupees and in the case of any other Municipality notified by Government in this behalf. Every notification issued under this sub-section shall specify the reasons therefor".

Statement of Objects and Reasons

Section 13 of the Cochin Municipal Act empowers Government to appoint Commissioners only in Municipalities which have an income above Rs. 75,000. Government consider that they should have power to appoint Commissioners when in their opinion such appointment is necessary for the efficient conduct of Municipal affairs and that the existing restriction should be removed. Hence the Bill.

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